

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:19-CR-00214(1)-ADA
	§	
(1) BRANDON ALLEN WHITMAN	§	

AMENDED ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On February 14, 2023 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) BRANDON ALLEN WHITMAN, which alleged that Whitman violated a condition of his supervised release and recommended that Whitman's supervised release be revoked (Clerk's Document No. 40). A warrant issued and Whitman was arrested. On February 24, 2023, Whitman appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Whitman appeared before the magistrate judge on March 14, 2023, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on March 14, 2023, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the

Order amended to update correct sentence.

original offense and the intervening conduct of Whitman, the magistrate judge recommends that this court revoke Whitman supervised release and that Whitman be sentenced to imprisonment for One year and One day, with no term supervised release to follow the term of imprisonment (Clerk's Document No. 53).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On March 14, 2023, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 52). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.


IT IS THEREFORE ORDERED that the Report and Recommendation of the

United States Magistrate Judge filed in this cause (Clerk's Document No. 53) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) BRANDON ALLEN WHITMAN's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) BRANDON ALLEN WHITMAN be imprisoned for One year and One day with no term of supervised release.

Signed this 30th day of March, 2023.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE